

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136(a), a five-month extension of the term for reply, *i.e.*, up to and including September 21, 2006, is requested. Enclosed is a check in the amount of \$1,080.00 in payment of the fee required under § 1.17(a). The Commissioner is authorized to charge any additionally required fee for the extension, or any other fee occasioned by this paper, or to credit any overpayment in such fees, to Deposit Account No. 50-0320.

REMARKS

Claims 1 through 19 are presently in the subject application.

Restriction has been required under 35 U.S.C. § 121 as follows:

GROUP I comprising claims 1 through 10 drawn to an aqueous suspension of a hydrophobic nutrient classified in class 424, subclass 439; and

GROUP II comprising claims 11 through 19 drawn to a method of rendering a hydrophobic nutritional compound water dispersible, classified in class 514, subclass 937.

In view of the mandatory requirements of 35 U.S. C. § 121, Applicants provisionally elect Group I, comprising claims 1 through 10, with traverse.


Favorable reconsideration and withdrawal of the requirement for restriction, particularly the restriction among Groups 1 and II, is requested. It is noted that the Examiner has presented no evidence that a separate search would be required to act on the merits of any of claims 1 through 19. It is believed that a proper search to determine the patentable novelty of the method of rendering a hydrophobic nutritional compound water dispersible of claims 11 through 19 (Group II) would include the resultant aqueous suspension of the hydrophobic nutrient as defined in claims 1 through 10 (Group I).

The Examiner's requirement for restriction was made pursuant to the provision of the MPEP § 806.05(F). Applicants kindly refer the Examiner to a provision of the MPEP § 803, which provides that, even if restriction is proper,

If, the search and examination of an **entire application** can be made without serious burden, the examiner **must** examine it on the merits, **even though** it includes claims to independent or distinct inventors (emphasis added).

In the subject case, it is respectfully submitted that an examination of the entire application can be made without serious burden. The Examiner will have to study Applicants' entire application in connection with her examination of the elected claims. No additional effort will be required to study the entire application, i.e. the entire specification, with respect to the remaining claims, i.e. the non-elected invention.

Respectfully submitted,
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